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**Canadian Union of Public Employees**

**Local No. 342**

*City of Yorkton*

**Constitution and Bylaws**

**Prepared: May 7, 2018**

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# Article 1 - Name

**1.1** The name of this organization shall be “Canadian Union of Public Employees Local No. 342.”

# Article 2 – Interpretations & Definitions

**2.1** “Union” shall refer to the Canadian Union of Public Employees Local No. 342.

**2.2** “National Office” refers to CUPE headquarters, Ottawa, and the abbreviation “CUPE” is always used with a national connotation unless otherwise stated.

# Article 3 – Objectives

**3.1** The objectives of the Union are to:

1. Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
2. Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
3. Encourage the settlement by negotiation and mediation of all the disputes between the members and their employers;
4. Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears;
5. Establish strong working relationships with the public we serve and the communities in which we work and live;
6. Support CUPE in reaching all of the objectives set out in Article II of the CUPE National Constitution and;
7. Combine the interests of all employees who are members of the Union, elevate their social, moral and intellectual standing to guard their financial interests, promote their general welfare to establish a stable civic service with promotion through seniority and merit to build up and perfect and impregnable labour organization.

# Article 4 – Union Security & Membership

**4.1** All employees shall be eligible for membership with the following exceptions:

1. When represented by other unions **in the same workplace**;
2. Where excluded from the bargaining unit by order of the Labour Relations Board.

**4.2** Every employee who is now or hereafter becomes a member of this Union, shall maintain their membership in the Union as a condition of employment and every new member shall within thirty (30) days after starting employment, apply for, and maintain membership in the Union.

# Article 5 – General Membership Meetings

**5.1** Regular meetings of the general membership of the Union shall be held on the third Wednesday of each month at a time and place set forth in advance by the Executive Board of the Union. An alternative day may be named by the Board if necessary.

**5.2** Special meetings of the Union may be called at the discretion of the Executive Board or by written request to the President of no less than **six** **(6)** members of the Union in good standing. The Recording secretary shall immediately advise members when a special meeting is called, and ensure that all members receive at least twenty-four (24) hours’ notice of the special meeting and the subject(s) to be discussed. Business discussed at any special meeting must pertain only to the reason for which such meeting is called.

**5.3** A quorum for the transaction of business at any general membership meeting shall be **six** (**6**) members, of which at least two (2) shall be Executive Board members.

**5.4** The order of business at regular general membership meetings is as follows:

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1. Roll call of officers
2. **Equality statement**
3. Reading and approval of minutes of previous meeting
4. Matters arising
5. Treasurer’s report and approving expenditures
6. Correspondence
7. Executive Committee report
8. Reports of committees and delegates
9. Nominations, Elections, or Oath of Office
10. Unfinished business
11. New business
12. Good of the Union
13. Adjournment

# Article 6 – Officers

**6.1** The officers of the Union shall be:

* President
* Vice President
* Recording Secretary
* Secretary – Treasurer
* **Four (4) Shop Stewards**
* 3 Trustees

**6.2** Officers shall maintain confidentiality when dealing with all executive and membership matters.

# Article 7 – Executive Board

**7.1** The Executive Board shall consist of all officers except Trustees.

**7.2** The Executive Board shall meet once every month, except when cancelled by a majority vote of the board. The board shall meet at least **eight** **(8**) times in a calendar year and shall not go sixty (60) days without a meeting.

**7.3** The quorum for an executive Board meeting shall be a majority of filled positions.

**7.4** The executive Board shall do the work delegated to it by the Union and shall be held responsible for the proper and effective functioning of all committees. The board shall act as the grievance committee and deal with all grievances of members as submitted.

**7.5** Should any Executive Board member fail to answer the roll call for three consecutiveregular membership meetings, or three consecutiveregular Executive Board meetings without having submitted good reasons, their office shall be declared vacant.

**7.6** The Executive Board shall hold title to any property of the Union as trustees for the Union. They shall have no right to sell, convey, or encumber any property without first giving notice and then submitting the proposal to a membership meeting and having it approved.

# Article 8 – Duties of Officers

**All signing Officers of Local 342 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.**

**8.1** Officers of the Unions shall perform the following duties:

1. The **President** shall:

* Enforce the CUPE National Constitution, these bylaws and the Equality Statement.
* Preside at all membership meetings and preserve order.
* Preside at Executive Board meetings in the absence of the Vice President.
* Decide all points of order and procedure (subject always to appeal to the membership).
* Have a vote on all matters (except appeals against the President’s rulings).
* Ensure that all Officers perform their assigned duties.
* Fill committee vacancies where elections are not provided for.
* Sign all cheques and ensure that the Local Union’s funds are used only as authorized or directed by the CUPE National Constitution, Union bylaws, or vote of the membership.
* Have first preference as a delegate to the CUPE National Convention.
* On termination of office, surrender all books, seals and other properties of the Union to their successor.

(b) The **Vice-President** shall:

* If the President is absent or not eligible, perform all duties of the President.
* Preside at all executive Board meetings and preserve order
* Preside over membership meetings in the absence of the President.
* If the office of the President falls vacant, be Acting President until a new President is elected.
* Render assistance to any member of the Executive as directed by the Executive Board.
* On termination of office, surrender all books, seals and other properties of the Union to their successor.

(c) The **Recording Secretary** shall:

* Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (Membership meetings) presented by the Secretary-Treasurer. The record will also include Trustee reports.
* Record all amendments and/or additions in the bylaws, and make certain that these are sent to the National President for approval.
* Answer correspondence and fulfill other administrative duties as directed by the Executive Board.
* Keep a record of all correspondence received and sent out.
* Prepare and distribute all notices to members.
* Have all records ready on reasonable notice for the Trustees or Auditors.
* Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.
* Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Union’s funds.
* On termination of office, surrender all books, seals and other properties of the Union to their successor.

(d) The **Secretary-Treasurer** shall:

* Receive all initiation fees, dues, and assessments, keeping a record of each payment, and deposit promptly all money to the Union’s general revenue account.
* Receive all benefits payments, keeping a record of each payment, and deposit promptly all money to the Union’s benefit account.
* Sign all cheques and ensure that the Union’s funds are used only as authorized or directed by the National Constitution, Local Union bylaws, or vote of the membership.
* In consultation with the Executive Board, designate a signing officer during prolonged absences.
* Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including $2.00 of each initiation fee on all members admitted, no later than the last day of the following month.
* Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
* Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
* Make a full financial report to meetings of the Union’s Executive Board.
* Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
* Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.
* Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated.
* Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
* Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
* Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union’s funds.
* On termination of office, surrender all books, records and other properties of the Union to their successor.

(g) A **Shop Steward** shall:

* Represent membership to the fullest possible extent on the Executive Board
* Report back union business to the membership
* Acquaint new members with the operation of the Union
* Manage grievances as directed by the Chief Shop Steward or Executive Board
* Attend grievance hearings whenever necessary or as directed by the Executive Board.
* Attend classes in Union education whenever possible

1. The **Trustees** shall:

* Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the Committees at least once every calendar year.
* Make a written report of their findings to the first membership meeting following the completion of each audit.
* Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Union’s funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner.
* Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
* Ensure that proper financial reports have been given to the membership.
* Audit the record of attendance.
* Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Union, and report their findings to the membership.
* Send to the National Secretary-Treasurer, with a copy to the assigned Servicing
* Representative, the following documents:
* Completed Trustee Audit Program
* Completed Trustees’ Report
* Secretary-Treasurer Report to the Trustees
* Recommendations made to the President and Secretary-Treasurer of the Union
* Secretary-Treasurer’s response to recommendations
* Concerns that have not been addressed by the Executive Board.

# Article 9 - Remuneration & Member Expenses

**9.1 The Executive Board shall be entitled to the following yearly remuneration:**

* **President - $950.00**
* **Vice President - $675.00**
* **Recording Secretary - $630.00**
* **Secretary - Treasurer - $630.00**
* **Shop Steward - $500.00**
* **Trustees - $50.00 per audit per trustee**

**Remuneration will increase yearly based on what was negotiated for general wage increases.**

**9.2** **Remuneration shall be paid yearly on March 31.**

**9.3** Executive remuneration is dependent upon attendance at executive and membership meetings. Remuneration will be pro-rated if an executive is absent without cause.

**9.4** Remuneration may be provided to other committees or members by vote of the membership.

**9.5** Members who attend out of town union business (conventions, schools, conferences, etc.) that is approved by membership will be entitled to the following reimbursements:

1. Meals, per diem and mileage **as per** **CUPE Saskatchewan Division rates**
2. Reasonable accommodation costs at the incurred cost
3. Replacement of any lost salary

# Article 10 - Union Expenditures

**10.1** The Secretary Treasurer shall pay all regularly incurred operating expenses of the Union without special approval. Regular operating expenses are items such as rent, telephone, office supplies, etc.

**10.2 Other expenses may be paid within the following provisions:**

1. **Less than $200 upon approval of the Executive Board**
2. **More than $200 upon approval of the general membership**

**10.3 The Executive board may approve expenses above $500 in emergency circumstances and shall report the circumstances of such payments at the next membership meeting.**

# Article 11 - Fees, Dues and Assessments

**11.1** Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of $2 which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

**11.2** The re-admittance fee shall be $2.

**11.3 The total monthly dues shall be one point five percent (1.5%) of gross regular earnings above CUPE National per capita rate.**

# Article 12 - Nomination, Election and Installation of Officers

**12.1** **Nominations will be received and elections shall take place at the regular membership meeting held in the month of March.**

**12.2** Officers, excluding Trustees, shall be elected to two year terms, split into even and odd numbered years as follows:

**EVEN**

President

Recording Secretary

**Two (2)** Shop Stewards

**ODD**

Vice President

Secretary-treasurer

**Two (2)** Shop Stewards

Trustees shall be elected to rotating three (3) year terms.

**Note: In the March 2013 elections, all positions normally elected in the odd numbered years shall be elected to one (1) year terms.**

**12.3** Installation of officers shall take place at the meeting at which they are elected.

**12.4** Only members in good standing shall be eligible to hold office and must be present at time of nomination unless they have informed the Executive Board (in writing) **that they** are willing to stand for election. **In addition with the signed consent of the member running for office, the nomination must also be witnessed by another member.**

**12.5 To be elected a candidate must receive a majority of votes cast (at least 50% plus 1). If no candidate receives a majority of votes cast, a second ballot will be held. The candidate who received the fewest votes on the first ballot will be removed from the second ballot. This process will continue until a candidate is elected by a majority of votes cast.**

**12.6 Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.**

**12.7 In a ballot to fill more than one position, each delegate must vote for the full number of positions to be filled or the ballot is spoiled.**

**12.8** In the event of a vacancy in an officer position a by-election shall be held to fill the position. If the remaining length of the term is less than four months, the Executive Board may choose to leave the position vacant until the regularly scheduled elections.

**12.9** All elections shall be by secret ballot and the President shall appoint scrutineers who must not be candidates who shall supervise the elections and count the ballots.

**12.10 In the event of a tie, the membership shall continue to revote until a successful candidate has been declared.**

**12.11 Prior to nominations and election, an Election Committee shall be elected to deal with any challenge or dissatisfaction arising out of the election process.**

# Article 13- Delegates

**13.1** Except for the President’s option [Section 8.1(a)], all delegates to conventions, conferences, and educational seminars shall be chosen by election at membership meetings.

# Article 14 – Committees

**14.1 Negotiating Committees**

These will be special committees established at least four (4) months prior to the expiry of a bargaining unit’s collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals in consultation with its membership and to negotiate a collective agreement. The Executive Board shall determine the size of the committee and it shall be elected at a membership or special meeting by members of the bargaining unit. The CUPE Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

**14.2** **Grievance Committee**

The grievance committee shall consist of the Executive Board.

**14.3 Labour/Management Committee**

**A Labour Management Committee shall consist of Executive Board members.**

**14.4 Social Committee**

Shall arrange and conduct all social, cultural, and recreational activities of the Union, either on the committee’s own initiative or as a result of decisions taken at membership meetings. The committee shall submit reports and proposals to the Executive Board or to the membership as required. **All social and recreational events and activities shall be self-supporting and not funded through the local’s funds.** The committee shall consist of a Chairperson elected annually at the February membership meeting. The Chairperson shall be empowered to recruit members for the committee.

**14.5** The executive board may appoint such further committees that they deem necessary for the best interests of the Union.

# Article 15 - Rules of Order

**15.1** All meetings of the Local Union will be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these bylaws as Appendix “B”. These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

**15.2** In situations not covered by Appendix “B”, the CUPE National Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot’s Rules of Order shall be consulted and applied.

# Article 16 – Amendment

**16.1** These bylaws are always subordinate to the CUPE National Constitution (including Appendix “B”) as it now exists or may be amended from time to time, and in the event of any conflict between these bylaws and the CUPE National Constitution, the latter shall govern. The National President has the sole authority to interpret the CUPE National Constitution.

**16.2** These bylaws will not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven days’ notice at a previous meeting or at least sixty days’ written notice.

**16.3** No change in these bylaws will be valid and take effect until approved by the National President of CUPE. The validity will date from the letter of approval of the National President.

Appendix “A” – CUPE National Equality Statement

Union solidarity is based on the principle that union members are equal and deserve

mutual respect at all levels. Any behavior that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation, and understanding are our goals. We should neither condone nor tolerate behavior that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile, or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic or homophobic hurts and thereby divides us. So too, does discrimination on the basis of ability, age, class, religion and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

CUPE’s policies and practices must reflect our commitment to equality. Members, staff, and elected officers must be mindful that all sisters and brothers deserve dignity, equality and respect.

Appendix “B” – Rules of Order

1. The President will be the Chairperson at all membership meetings. In the absence of the President, the Vice-President will be the Chairperson at the membership meeting. In the absence of the President and Vice-President, the Recording Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and Recording Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.

2. Members are not allowed to speak about an issue for more than five minutes. Members can only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to speak.

3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to fifteen minutes. With the agreement of the members present, the fifteen minutes may be expanded.

4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: “Is the Local ready for the motion?” If no member rises to speak, the motion will be voted upon.

5. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.

6. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed.

7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.

8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.

9. Motions other than those named in Rule 19, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put in writing prior to beginning debate and vote.

10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.

11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.

12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.

13. The Chairperson will keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.

14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.

15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.

16. Religious discussion of any kind is not permitted.

17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.

18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.

19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.

20. The Chairperson will ask “Will the main question be now put?” where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.

21. A motion to adjourn is in order except when a member is speaking or when members are voting.

22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.

23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.

24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, “Will the decision of the chair be upheld?” A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.

25. After a question has been decided, any two members who have voted with the majority can move reconsideration, provided that a motion for reconsideration is made at either the meeting where the decision proposed for reconsideration was made, or at the very next meeting.

26. Members are allowed to leave a meeting with the permission of the Vice- President; however in no case will a member leave during the reading of minutes, the initiation of new members, the installation of officers, or the taking of a vote.

27. The Local Union’s business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.

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